

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JAMES BROWN,)
vs.)
Plaintiff,)
LEE RYKER, et al.,)
Defendants.)
Case No. 10-cv-0937-MJR-SCW

ORDER

WILLIAMS, Magistrate Judge:

Three motions are before the Court in this *Eighth Amendment* conditions-of-confinement case, which Plaintiff James Brown brought pursuant to 42 U.S.C. § 1983.

First, Defendants have moved to compel discovery (Doc. 36). According to Defendants' motion, Plaintiff Brown has failed to respond to Defendants' interrogatories or requests for production. In response, Brown argues that Defendants' motion be time-barred and stricken, since this case's trial practice schedule dictated that discovery be completed by December 27, 2011 (See Doc. 38). The Court will not permit Plaintiff to hide behind a deadline that he failed to meet; Defendants' motion to compel (Doc. 36) is **GRANTED**. Mr. Brown SHALL respond to Defendants' interrogatories and requests for production **ON OR BEFORE** Friday, February 24.

Secondly, Plaintiff has moved for class certification. His motion (Doc. 35) will be **DENIED**. *See Oxendine v. Williams*, 509 F.2d 1405, 1407 (4th Cir. 1975) (holding it would be plain error to permit imprisoned *pro se* litigant to represent his fellow inmates in a class action). The Federal Rules permit class actions to be maintained only if the class representative (in this case the *pro se* Mr. Brown) “will fairly and adequately protect the interests of the class, **FED. R. CIV. P. 23(a)(4)**, and “[e]very court that has considered the issue has held that a prisoner

proceeding *pro se* is inadequate to represent the interests of his fellow inmates in a class action.” *Lee v. Gardinez*, 2012 WL 143612, n. 1 (S.D. Ill., Jan. 18, 2012) (quoting *Craig v. Cohn*, 80 F.Supp.2d 944, 946 (N.D. Ind. 2000) (internal citations and quotation marks omitted)).

Finally, Plaintiff has moved (at Doc. 37) for a month-long extension of time to file his response to Defendants’ motion for summary judgment. That motion (Doc. 37) is **GRANTED**. Plaintiff SHALL file his response brief on or before **3/30/2012**. Plaintiff should note that, unless exceptional circumstances require it, no more extensions will be granted.

IT IS SO ORDERED.

Date: February 16, 2012

/s/ Stephen C. Williams
STEPHEN C. WILLIAMS
United States Magistrate Judge